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39

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FILED
HARRISBURG

CHARLES ISELEY,

OCT 30 2000
MARY E. D'ANDREA, CLERK
Per _____ DEPUTY CLERK

Plaintiff

v.

No. 1:00-CV-00577
(Judge Kane)

W. CONWAY BUSHEY, et al.,

Defendants

**DEFENDANTS' BRIEF IN OPPOSITION
TO PLAINTIFF'S MOTION FOR
A TEMPORARY RESTRAINING ORDER**

This is a civil rights action pursuant to 42 U.S. §1983 alleging violations of various amendments to the United States Constitution. Plaintiff, Charles Iseley is a pro se prisoner currently incarcerated at the State Correctional Institution at Coal Township¹, Pennsylvania ("SCI-Coal Township"). Defendants are numerous employees or former employees of the Pennsylvania Department of Corrections ("DOC"), or employees of the Pennsylvania Board of Probation and Parole ("Board").

On October 5, 2000, plaintiff filed a Motion for a Temporary Restraining Order and supporting brief.² In his motion and brief, Iseley requests that the Court issue a temporary restraining order against the defendants to bar them from continuing to utilize false information

¹Iseley is currently housed at SCI-Graterford due to a Writ to appear in a court proceeding. Upon completion of the proceeding, Iseley will be returned to SCI-Coal Township.

²As noted in her motion for enlargement of time to respond to the motion, undersigned counsel received the motion on October 17, 2000. Due to the delay in receipt of the motion, counsel requested enlargement of time to respond to the motion on or before October 30, 2000.

contained in his prison/parole records to keep him in prison. According to plaintiff, his maximum sentence expired on July 21, 2000 and for years the defendants have refused to acknowledge this despite his numerous communications requesting them to do so. He also states that he is being held in prison illegally. This brief is filed in response to plaintiff's motion and brief.

QUESTION PRESENTED

**SHOULD THIS COURT DENY ISELEY'S
MOTION FOR A TEMPORARY RESTRAINING
ORDER BECAUSE THE REQUIREMENTS FOR
SUCH RELIEF HAVE NOT BEEN MET ?**

ARGUMENT

**THE COURT SHOULD DENY ISELEY'S
MOTION FOR A TEMPORARY RESTRAINING
ORDER BECAUSE THE REQUIREMENTS
FOR SUCH RELIEF HAVE NOT BEEN MET**

A. The Standard For Obtaining a Temporary Restraining Order

In order to succeed in obtaining a temporary restraining order, it must clearly appear "from the facts shown by affidavit or by the verified complaint that immediate and irreparable injury, loss or damage will result to the applicant." Fed. Rule Civ. P. 65(b). The standards for a temporary restraining order are the same as those for a preliminary injunction. Bieros v. Nicola, 857 F. Supp 445, 446 (E.D. Pa 1994). Thus, plaintiff must demonstrate: "(1) whether the movant has shown a reasonable probability of success on the merits; (2) whether the movant will be irreparably harmed by denial of the relief; (3) whether granting the preliminary relief will result in even greater harm to the nonmoving party; and (4) whether granting the preliminary relief will be in the public interest." Brian B.v. Commonwealth, 2000 WL 1512846 (3rd Cir. Pa. 2000).

An injunction should issue only if the moving party produces evidence sufficient to convince the Court that all four factors favor preliminary relief. Merchants & Evans Inc. v. Roosevelt Bldg. Products Co., 963 F. 2d 628, 632-33 (3rd Cir. 1992). If either of the fundamental requirements--the likelihood of success on the merits and the probability of irreparable harm if relief is not granted--are absent, a district court may not grant the requested injunctive relief. McKeesport Hosp. V. Accreditation Council for Graduate Med. Educ., 24 F. 3d 519, 523 (1994); Hoxworth v. Binder Robinson & Co., 903 F. 2d 186, 197 (3rd Cir. 1990). When a prisoner requests injunctive relief, said request "must always be viewed with great caution because judicial restraint is especially called for in dealing with complex and intractable problems of prison administration." Goff v. Harper, 60 F.3d 518, 528 (8th Cir. 1998); Forrest v. Nedab, 1999 WL 552546 at *3 (E.D. Pa. June 29, 1999).

Against these standards, Iseley's motion for a temporary restraining order should be denied.

B. Iseley Has Not Shown A Likelihood Of Success On The Merits Or That He Has Suffered Any Irreparable Injury

Iseley claims that defendants have refused to correct false/inaccurate information in his files to keep him in prison. In his declaration Iseley states that "five of the sentences (four 7 ½ -15 year and a 1-2 year) were to run concurrent for an aggregate sentence of 7 ½ -15 years, and that the sentence began on January 21, 1983, approximately." According to Iseley, "the sixth sentence was a 5-10 year sentence which was to be served consecutive to the aforementioned 7 ½ -15 year sentence [and] the sixth sentence was to begin at the minimum expiration of the 7 ½ - 15 year sentence which occurred in 1990." Iseley further states that "his maximum sentence expiration was on July 21, 2000, [that] for years the defendants have refused to acknowledge this despite his

numerous communications regarding them to do so, [and] that he is being held in prison illegally. (See Pl. Mot. for Temp. Rest. Order, Declaration, ¶¶1-7)

In a case similar to this, the Commonwealth Court recognized that the Department of Corrections was obligated to aggregate consecutive sentences into a single sentence with aggregated minimum and maximum terms. Gillespie v. Commonwealth, 106 Pa. Cmwlth. 500, 527 A.2d 1061 (1987). The petitioner in Gillespie challenged the legality of the aggregation of his sentence by the Department. In Gillespie the Court upheld the Department's authority to aggregate sentences, and noted that "our reading of the statute and interpretive case law compels us to conclude that once the sentencing court imposes a consecutive sentence, aggregation with other consecutive sentences is automatic and mandatory under 42 Pa. C.S. § 9757."³ The court went on to recognize that the "[d]epartment, not the Board, is responsible for calculating the maximum and minimum terms of the prisoners committed to its jurisdiction." Gillespie, *supra*, at 507. In addition, in Abraham v. Department of Corrections, 150 Pa. Cmwlth. 81, 92, 615 A.2d 814, 819 (1992), the court reaffirmed that aggregation is mandatory.

Defendants have attached to this brief a declaration from Raymond Reeder, Records specialist at SCI-Coal Township. Reeder's duties and responsibilities as Record Supervisor include sentence computation: (See Reeder Declaration ¶2) In his declaration, Reeder explains that Iseley's aggregate sentence is 12 years 6 month to 25 years. This aggregate sentence is in accordance with

³ 42. Pa. C.S. § 9757 provides "[w]henever the court determines that a sentence should be served consecutively to one being then imposed by the court, or to one previously imposed, the court shall indicate the minimum sentence to be served for the total of all offenses with respect to which sentence is imposed. Such minimum sentence shall not exceed one-half of the maximum sentence imposed.

Judge Kelton's sentencing orders. Attached as Exhibit "A" to Reeder's declaration is a copy of Iseley's commitment orders. The orders reveal that Iseley was sentenced in December of 1983 to a 7 ½ to 15 year term for the charges of Robbery, Burglary, Criminal Trespass, Terroristic Threats, plus other charges under case nos. 1372, 1373, 1374, 1375 and 1513 of 1983. (See Reeder Declaration ¶4) In addition, Judge Kelton sentenced Iseley to a 5 to 10 year term for the charges of Robbery, Burglary, Criminal Trespass, Receiving Stolen Property, Terroristic Threats, Reckless Endangerment, Simple Assault and Conspiracy under case no. 1576 of 1983. (See Reeder Declaration ¶5) This sentence was to run consecutive to the 7 ½ to 15 year sentence. (See Reeder Declaration ¶5)

Iseley's sentences were not aggregated until April 28, 1998, when upon review of his file it was noticed that four of the 7 ½ to 15 years terms had been reported as concurrent. (See Reeder Declaration ¶7) Upon discovery of this error, Iseley's sentence was aggregated to a term of 12 years 6 months to 25 years. The expiration of Iseley's minimum sentence was July 22, 1995 and his maximum sentence date is January 22, 2008. (See Reeder Declaration ¶8)

Based upon the information provided by Raymond Reeder, Records Supervisor, Iseley's declaration is without merit. The facts contained in the declaration are simply inaccurate. Iseley is not being held in prison illegally. To the contrary, Iseley's aggregate sentence of 12 years, 6 months to 25 years is in accordance with Judge Kelton's sentence. Here, Iseley has not demonstrated that he has a probability of success on the merits of his claim or that he has suffered irreparable injury, loss or damage. Because the fundamental requirements—likelihood of success on the merits and the probability of irreparable harm are absent—the requested temporary restraining order should be denied.

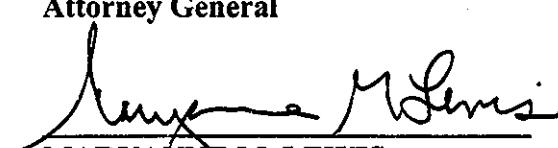
CONCLUSION

For the forgoing reasons, the Court should deny plaintiff's motion for a temporary restraining order.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

By:



MARYANNE M. LEWIS
Deputy Attorney General

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief Litigation Section

Office of Attorney General
15th Floor, Strawberry Sq.
Harrisburg, PA 17120
Direct Dial: (717) 787-9719
Fax: (717) 772-4526

DATE: October 30, 2000

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CHARLES ISELEY, :
: Plaintiff :
: :
: v. : No. 1:00-CV-00577
: : (Judge Kane)
W. CONWAY BUSHEY, et al., :
: Defendants :
: :
: :
: :

UNSWORN DECLARATION OF RAYMOND REEDER

I, Raymond Reeder, hereby declare under the penalty of perjury that the following is true and correct and from my personal knowledge:

1. I am currently employed by the Pennsylvania Department of Corrections ("DOC"), as the Records Supervisor at the State Correctional Institution at Coal Township. ("SCI-Coal Township"). I have held this position since February, 1997.
2. As Records Supervisor, I am responsible for storing the official inmate files (known as the DC-15). My duties and responsibilities include but are not limited to sentence computation, sentence structure, coordination of all inmate transfers, and identification of inmates subject to DNA testing and Megan's Law registration.
3. Charles Iseley, AM-9320, is an inmate incarcerated at SCI-Coal Township¹, and I am familiar with his DC-15. On October 20, 2000, I received a telephone call from Maryanne Lewis, Deputy Attorney General, requesting that I verify his sentence, pursuant to a motion that he filed before this Court. I reviewed Iseley's file and have verified his sentence.

¹Currently Iseley is temporarily housed at SCI-Graterford due to a Writ to appear in a court proceeding. Upon completion of the proceeding, he will be returned to SCI-Coal Township.

4. In December of 1983, Iseley was sentenced by Judge George T. Kelton to serve 7 $\frac{1}{2}$ to 15 years at a state correctional institution for the charges of Robbery (8 counts), Burglary, (3 counts), Criminal Trespass (3 counts), Terroristic Threats (6 counts), plus other charges under case nos. 1372, 1373, 1374, 1375 & 1512 of 1983. (See Exhibit "A" attached)

5. Judge Kelton also sentenced Iseley to 1 to 2 years concurrent for Resisting Arrest, under case no. 1241 of 1983. Additionally, Iseley was sentenced to 5 to 10 years for the charges of Robbery, Burglary, Criminal Trespass, Receiving Stolen Property, Terroristic Threats, Reckless Endangerment, Simple Assault and Conspiracy under case no. 1576 of 1983. It is specified that this sentence is to run consecutive to case nos. 1372, 1373, 1374, 1375, and 1513 of 1983. (See Exhibit "A" attached)

6. In accordance with Judge Kelton's sentencing orders, Iseley's aggregate sentence is 12 years 6 months to 25 years.

7. According to Iseley's sentence information, his sentences were not aggregated until April 28, 1998. Upon review of his file, it was noticed that four of the 7 $\frac{1}{2}$ to 15 year terms had been reported as concurrent. These concurrent terms were not in accordance with the Court's sentence, as the 5 to 10 year term is to be consecutive to the 7 $\frac{1}{2}$ to 15 year sentence. (See Exhibit "B" attached)

8. Upon discovery of the error, Iseley's sentence was aggregated to a term of 12 years 6 months to 25 years. The expiration of Iseley's minimum sentence was July 22, 1995 and his maximum date is January 22, 2008. (See Exhibit "B" attached)

OCT-30-00 MON 11:58

ATTORNEY GENERAL

FAX NO. 717 772 4528

P.C. 1

10-30-00
DATE

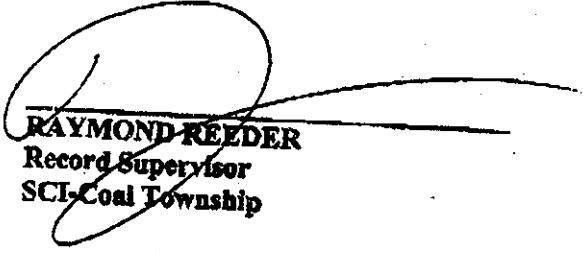

RAYMOND REEDER
Record Supervisor
SCI-Coal Township

Exhibit "A"

JBC-300B (PART 1)
(Rev. 2-80)COURT COMMITMENT
STATE OR COUNTY CORRECTIONAL INSTITUTION
Commonwealth of Pennsylvania
vs.
Iseley, Charles W., Jr.

| | | | | | | |
|--|----------------------|-----|----------------------|---|----------------|---|
| COMMITMENT NAME (LAST, FIRST, INITIAL, SUFFIX) | | | | Type or Print Legibly | | |
| SEX <input checked="" type="checkbox"/> F <input type="checkbox"/> M | DATE OF BIRTH 7-4-64 | SID | OTN B9550564 | COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF JUSTICE BUREAU OF CORRECTION BOX 598, CAMP HILL, PA 17011 | | COMMON PLEAS <input checked="" type="checkbox"/> |
| COMMITTING COUNTY/MAGISTERIAL DISTRICT Bucks County | | | COURT NUMBER 1372 of | | DATE TERM 1983 | |

The above defendant after pleading guilty nolo contendre being found guilty was on December 7, 1983 sentenced by Judge/District Justice XXXXXXXXX George T. Kelton to a term of not less than 7 $\frac{1}{2}$ years months days nor more than 15 years months days, or for the offense of 2 counts of Robbery; Burglary
SEE BELOW

(Section _____ of the Crimes Code) or (other statute) _____

It is further ordered that the said defendant be delivered by the proper authority to and treated as the law directs at the State Correctional facility located at Graterford, PA

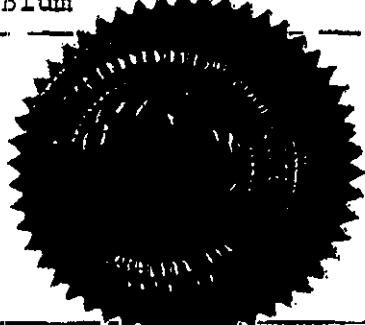
| | | |
|---|---|-------------|
| FINE AMOUNT \$ _____ | COSTS AMOUNT \$ 188.36 | RESTITUTION |
| To Be Paid To: <input type="checkbox"/> COUNTY <input type="checkbox"/> COMMONWEALTH | To Be Paid By: <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> DEFENDANT | |

| | |
|--|----------------------------|
| CREDIT FOR TIME SERVED (EXPLANATION OF CREDIT COMPUTATION ON REVERSE SIDE) | EFFECTIVE DATE OF SENTENCE |
| From January 25, 1983 to December 8, 1983 | December 7, 1983 |

This sentence shall be deemed to run concurrent to any existing sentences, effective the date of imposition unless otherwise stipulated below.
This sentence to run concurrent with 83-1373 thru 83-1375 and 83-1513 and 83-1241

*****11 Counts of conspiracy:
Crim. Trespass; Terroristic Threats 2 counts; Theft by unlawful taking;
RSP; Poss of instrument of crime; Prohibited Offensive Weapons; 2 counts of Simple Assault; Recklessly endanger another; Carrying firearms without licens

| | |
|--|---|
| PROSECUTING ATTORNEY Robert Goldman, A.D.A. | DISPOSITION OF NON-INCARCERATION OFFENSE(S) |
| DEFENSE ATTORNEY Theodore Q. Thompson | |
| COURT REPORTER Victor Blum | (THIS BLOCK NOT TO BE USED FOR INCARCERATION OFFENSE) |



In witness, whereof I have hereunto set my hand and seal of said court, this 9th day of December 1983.

Catherine Kennedy
DEPUTY AUTHORIZED SIGNATURE

JBC-300B (PART I)
(Rev. 2-80)

COURT COMMITMENT
STATE OR COUNTY CORRECTIONAL INSTITUTION
Commonwealth of Pennsylvania
vs.
Iseley, Charles W., Jr.

COMMITMENT NAME (LAST, FIRST, INITIAL, SUFFIX)

Type or Print Legibly

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF JUSTICE
BUREAU OF CORRECTION
BOX 598, CAMP HILL, PA 17011

NOTE: Additional supply of this form available at above address:

 JBC-300B (Part II) attached

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|---|-------------------------|-----|-------------------------|-------------------------------|--------------------------|--|
| SEX <input type="checkbox"/> F <input checked="" type="checkbox"/> M | DATE OF BIRTH 7-4-64 | SID | OTN B9550704 | COURT OF INITIAL JURISDICTION | <input type="checkbox"/> | COMMON PLEAS <input checked="" type="checkbox"/> |
| COMMITTING COUNTY/MAGISTERIAL DISTRICT BUCKS COUNTY | | | COURT NUMBER 1373 of | | DATE TERM 1983 | |

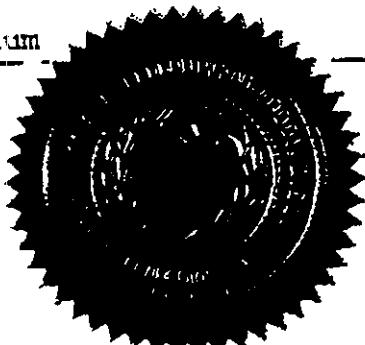
The above defendant after pleading guilty nolo contendre being found guilty was on December 7, 1983 sentenced by Judge/District Justice George T. Kelton to a term of not less than 7 1/2 years months days nor more than 15 years months days, or for the offense of 2 counts of Robbery; Burglary; Crime Trespass *SEE BELOW* (Section of the Crimes Code) or (other statute).

It is further ordered that the said defendant be delivered by the proper authority to and treated as the law directs at the State Correctional facility located at Graterford, PA.

| | | |
|--|---|--|
| FINE AMOUNT \$ _____ | COSTS AMOUNT \$ 271.82 | RESTITUTION |
| To Be Paid To: <input type="checkbox"/> COUNTY <input type="checkbox"/> COMMONWEALTH | To Be Paid By: <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> DEFENDANT | EFFECTIVE DATE OF SENTENCE December 7, 1983 |
| CREDIT FOR TIME SERVED (EXPLANATION OF CREDIT COMPUTATION ON REVERSE SIDE) From January 27, 1983 to December 8, 1983. | | |

This sentence shall be deemed to run concurrent to any existing sentences, effective the date of imposition unless otherwise stipulated below:
This sentence to run concurrent with 83-1241, 83-1372 thru 1375 and 83-1513
***Theft by unlawful taking; RSP; 2 counts Simple Assault; 2 counts Terr. Threat Recklessly endangering another 2 counts; poss of instrument of crime; Carrying firearm without license; 10 counts of conspiracy.

| | |
|--|---|
| PROSECUTING ATTORNEY Robert Goldman, A.D.A. | DISPOSITION OF NON-INCARCERATION OFFENSE(S) |
| DEFENSE ATTORNEY Theodore Q. Thompson | |
| COURT REPORTER Victor Blum | (THIS BLOCK NOT TO BE USED FOR INCARCERATION OFFENSE) |



In witness, whereof I have hereunto set my hand and seal of said court, this 9th day of December 1983.

Catherine Kennedy
DEPUTY AUTHORIZED SIGNATURE

JBC-300B (PART I)
(Rev. 2-80)

COURT COMMITMENT
STATE OR COUNTY CORRECTIONAL INSTITUTION
Commonwealth of Pennsylvania
vs.
Iseley, Charles W., Jr.

COMMITMENT NAME (LAST, FIRST, INITIAL, SUFFIX)

Type or Print Legibly

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF JUSTICE
BUREAU OF CORRECTION
BOX 598, CAMP HILL, PA 17011

NOTE: Additional supply of this form available at above address:

 JBC-300B (Part II) attached

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|--|----------------------|-----|-------------------|-------------------------------|--------------------------|--|
| SEX <input type="checkbox"/> F <input checked="" type="checkbox"/> M | DATE OF BIRTH 7-4-64 | SID | OTN B954615-4 | COURT OF INITIAL JURISDICTION | <input type="checkbox"/> | COMMON PLEAS <input checked="" type="checkbox"/> |
| COMMITTING COUNTY/MAGISTERIAL DISTRICT Bucks County | | | COURT NUMBER 1241 | of | DATE - TERM 1983 | |

The above defendant after pleading guilty nolo contendre being found guilty was on December 7, 1983 sentenced by Judge/District Justice George T. Kelton to a term of not less than 1 years months days nor more than 2 years months days, or for the offense of Resisting Arrest or other law enforcement (Section 5104 of the Crimes Code) or (other statute).

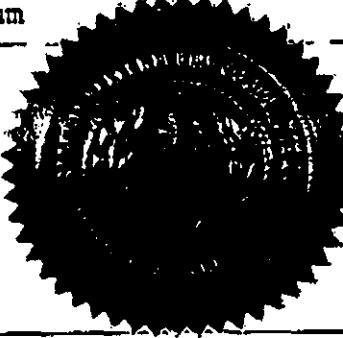
It is further ordered that the said defendant be delivered by the proper authority to and treated as the law directs at the State Correctional facility located at Graterford, PA

| | | |
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| FINE AMOUNT \$ _____ | COSTS AMOUNT \$ 352.35 To Be Paid To: <input type="checkbox"/> COUNTY <input type="checkbox"/> COMMONWEALTH | RESTITUTION To Be Paid By: <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> DEFENDANT |
|-------------------------|--|--|

| | |
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| CREDIT FOR TIME SERVED (EXPLANATION OF CREDIT COMPUTATION ON REVERSE SIDE) From February 1, 1983 to March 16, 1983 | EFFECTIVE DATE OF SENTENCE December 7, 1983 |
|---|--|

This sentence shall be deemed to run concurrent to any existing sentences, effective the date of imposition unless otherwise stipulated below.

This sentence is concurrent with 83-1372 thru 83-1375 and 83-1513

| | |
|---|---|
| PROSECUTING ATTORNEY Robert Goldman, A.D.A | DISPOSITION OF NON-INCARCERATION OFFENSE(S) |
| DEFENSE ATTORNEY Theodore O. Thompson | |
| COURT REPORTER Victor Blum | (THIS BLOCK NOT TO BE USED FOR INCARCERATION OFFENSE) |
|  <p>In witness, whereof I have hereunto set my hand and seal of said court, this 9th day of December 1983.</p> <p><i>Catherine Kennedy</i> DEPUTY AUTHORIZED SIGNATURE</p> | |

FORM JBC-300A
(7-75)

COURT COMMITMENT
STATE OR COUNTY CORRECTIONAL INSTITUTION
Commonwealth of Pennsylvania
vs.

CHARLES W. ISLEY

DEFENDANT

COMMITTING COUNTY

BUCKS COUNTY

INDICTMENT

COMPLAINT

COURT

1576- 1983

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF JUSTICE
BUREAU OF CORRECTION
BOX 598, CAMP HILL, PA. 17011

NOTE: Additional supply of this form available at above address.

| | | |
|---|---------------------------------|-------------------------------|
| <input type="checkbox"/> LOCAL MAGISTRATE | <input type="checkbox"/> SEX | DATE OF BIRTH |
| <input type="checkbox"/> COMMON PLEA | <input type="checkbox"/> FEMALE | 7/4/64 |
| <input type="checkbox"/> CRIMINAL DIV. | | MALE |
| DATE - TERM | | OFFENSE TRACKING NUMBER (OTN) |
| | | 8955039-1 |

The above defendant after pleading guilty being found guilty was on DECEMBER 7, 1983 sentenced by Judge GEORGE T. KELTON to a term of not less than 5 years months days nor more than 10 years months days, or

for the offense(s) of ROBBERY, BURGLARY, CRIMINAL TRESPASS, POSS/ INST/ CRIME, RSP, TERR/ THREATS, RECI SIMPLE ASULT, CONSP. ENDG.

(Section of the Crimes Code) or (other statutes).

It is further ordered that the said defendant be delivered by the sheriff to and treated as the law directs at the STATE CORRECTIONAL INST. facility located at GRATERFORD, PENNA.

CREDIT FOR TIME SERVED (THE REVERSE SIDE OF THIS FORM IS USED FOR COMPUTING CONSECUTIVE OR CONCURRENT SENTENCING). CREDIT FOR TIME SERVED.

FROM 1-22-1983

DEC. 7, 1983

| | | |
|---|--|------------------------------------|
| FINE | COSTS | RESTITUTION |
| <input type="checkbox"/> TO BE PAID TO: | 3111.62 TO BE PAID BY: w/in 6 months of release. | |
| <input type="checkbox"/> COUNTY | <input type="checkbox"/> COUNTY | <input type="checkbox"/> DEFENDANT |

THIS SENTENCE SHALL BE DEEMED TO RUN CONCURRENT TO ANY EXISTING SENTENCES, EFFECTIVE THE DATE OF IMPOSITION UNLESS OTHERWISE STIPULATED BELOW:
CONSECUTIVE TO # 1372-1373-1374-1375-1513- 1241- 1983

PROSECUTING ATTORNEY

ADA: ROBERT GOLDMAN

DEFENSE ATTORNEY

T. THOMPSON

COURT REPORTER

VIC. BLUM

DISPOSITION OF OTHER CHARGES

In witness, whereof I have hereunto set my hand and seal of said court, this 7th day of DECEMBER 1983.

(Seal)

Deputy B. E. Berg
AUTHORIZED SIGNATURE

PAGE 1 OF TWO

JBC-300B (PART I)
(Rev. 2-80)

COURT COMMITMENT
STATE OR COUNTY CORRECTIONAL INSTITUTION
Commonwealth of Pennsylvania
vs.
Iseley, Charles William

COMMITMENT NAME (LAST, FIRST, INITIAL, SUFFIX)

... or Print Legibly

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF JUSTICE
BUREAU OF CORRECTION
BOX 598, CAMP HILL, PA 17011

NOTE: Additional supply of this form available at above address:

 JBC-300B (Part II) attached

| | | | | | | |
|--|----------------------|-----|---------------|-------------------------------|--------------------------|--|
| SEX <input type="checkbox"/> F <input checked="" type="checkbox"/> M | DATE OF BIRTH 7/4/64 | SID | OTN B955075-2 | COURT OF INITIAL JURISDICTION | <input type="checkbox"/> | COMMON PLEAS <input checked="" type="checkbox"/> |
| COMMITTING COUNTY BUCKS COUNTY Bucks County | | | COURT NUMBER | 83-1374 DATE - TERM | | |

The above defendant after pleading guilty nolo contendre being found guilty was on December 7, 1983 sentenced by Judge/District Justice George T. Kelton to a term of not less than 7½ years months days nor more than 15 years months days, or for the offense of Robb, Burg, Crim Tresp, Theft, RSP, Poss instr of crime, Prohib offensive weapons, Simp assault, Agg assault, Reck (Section of the Crimes Code) or (other statute) Endanger, Terr threats, Carry firearm w/out license Consp. to all contr. It is further ordered that the said defendant be delivered by the proper authority to and treated as the law directs at the State Correctional facility located at Graterford, Penna.

| | | |
|---|---|----------------------------|
| FINE AMOUNT \$ | COSTS AMOUNT \$ 234.08 | RESTITUTION |
| To Be Paid To: <input type="checkbox"/> COUNTY <input type="checkbox"/> COMMONWEALTH | To Be Paid By: <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> DEFENDANT | |
| CREDIT FOR TIME SERVED (EXPLANATION OF CREDIT COMPUTATION ON REVERSE SIDE) | | EFFECTIVE DATE OF SENTENCE |
| Credit for time served from January 31, 1983. | | December 7, 1983 |

This sentence shall be deemed to run concurrent to any existing sentences, effective the date of imposition unless otherwise stipulated below:

Concurrent with 83-1241,1372,1373,1375,1513.

| | |
|--|---|
| PROSECUTING ATTORNEY A.D.A. Robert Goldman | DISPOSITION OF NON-INCARCERATION OFFENSE(S) |
| DEFENSE ATTORNEY Theodore Q. Thompson, Esq. | |
| COURT REPORTER Victor Blum | (THIS BLOCK NOT TO BE USED FOR INCARCERATION OFFENSE) |

In witness, whereof I have hereunto set my hand and seal of said court, this 8th day of December 1983

Deputy Clerk of Common Pleas SIGNATURE

Continued from pg. #1.

BC-300B (PART II)
(Rev. 2/80)
(TO BE ATTACHED TO PART I — COURT COMMITMENT)

COURT COMMITMENT
CONTINUATION SHEET
STATE OR COUNTY CORRECTIONAL INSTITUTION
Commonwealth of Pennsylvania

vs.
Isaley, Charles

COMMITMENT NAME (LAST, FIRST, INITIAL, SUFFIX)

COURT NUMBER

83-1375

OFFENSE TRACKING NUMBER (OTN)

B955096-2

COMMONWEALTH OF PENNSYLVANIA
BUREAU OF CORRECTION
BOX 598, CAMP HILL, PA. 17011

NOTE: Additional supply of this form available at above address:

The above defendant after pleading guilty nolo contendre being found guilty was on December 7, 1983 sentenced by Judge/District Justice George T. Kelton to a term of not less than 7 1/2 years months days nor more than 15 years months days, or for the offense of Robb(2cts), Theft, RSP, Poss inst o crime, Prohib off weapons, Simp assault(3cts), Agg assault(2cts), Reck end, Terr thr (Section... of the Crimes Code) or (other statute) Carry firearm w/out license

| | | |
|--|---|-------------|
| FINE AMOUNT \$ _____ | COSTS AMOUNT \$ 274.38 | RESTITUTION |
| To Be Paid To: <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> COMMONWEALTH | To Be Paid By: <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> DEFENDANT | |

CREDIT FOR TIME SERVED
Credit for time served from February 15, 1983. PAK EFFECTIVE DATE OF SENTENCE December 7, 1983

This sentence shall be deemed to run concurrent to any existing sentences, effective the date of imposition unless otherwise stipulated below:
Concurrent to 83-1241, 1372, 1373, 1374, 1513.

| | |
|-------------------------|---|
| COURT NUMBER 83-1513 | OFFENSE TRACKING NUMBER (OTN) B9536155 |
|-------------------------|---|

The above defendant after pleading guilty nolo contendre being found guilty was on December 7, 1983 sentenced by Judge/District Justice George T. Kelton to a term of not less than 7 1/2 years months days nor more than 15 years months days, or for the offense of Robbery, Theft, RSP, Simp assault (Section... of the Crimes Code) or (other statute)

| | | |
|--|---|-------------|
| FINE AMOUNT \$ _____ | COSTS AMOUNT \$ 179.28 | RESTITUTION |
| To Be Paid To: <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> COMMONWEALTH | To Be Paid By: <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> DEFENDANT | |

CREDIT FOR TIME SERVED
Credit for time served from February 3, 1983. PAK EFFECTIVE DATE OF SENTENCE December 7, 1983

This sentence shall be deemed to run concurrent to any existing sentences, effective the date of imposition unless otherwise stipulated below.

(Seal)

In witness of the above sentence(s) for offense(s) as well as those found on the reverse side of this document, I have hereunto set my hand and seal of said court

this 8th day of December 19 83

Donald Wayne Bough
Deputy Clerk of Courts AUTHORIZED SIGNATURE

Exhibit "B"

PA DEPT. OF CORRECTIONS
BUREAU OF DATA PROCESSING
REMOTE PRINT TIME 10:50

INMATE RECORDS SYSTEM
JACKET REPORT
SENTENCE INFORMATION

RUN: YR101PRG
DATE: 5/04/2000
PAGE: 2.01.00

INMATE NUMBER: AM9320 NAME: ISLEY CHARLES W

CONTINUED FROM INMATE NUMBER:

ADDITIONAL SENTENCE(S) / DETAINER(S): YES

SENTENCE STATUS: ACTIVELY SERVING
PAROLE STATUS: NOT APPLICABLE

STATUS DATE: 9/28/1999
STATUS DATE: NOT AVAILABLE

MINIMUM OFFENSE: CC3701 ROBBERY (GENERAL)
MAXIMUM OFFENSE: CC3701 ROBBERY (GENERAL)

| | CONTROLLING MINIMUM | CONTROLLING MAXIMUM |
|---------------------------|----------------------|----------------------|
| CLASS OF SENTENCE: | INDETERMINATE | INDETERMINATE |
| SEXUAL VIOLENT PREDATOR: | UNK | UNK |
| SENTENCING COUNTY: | BUCKS | BUCKS |
| INDICTMENT NUMBER: | 1375 | 1375 |
| TERM OF COURT: | 0083 | 0083 |
| TYPE OF SENTENCE: | STATE | STATE |
| STATE (TRANSFER TO/FROM): | | |
| JUDGE: | KELTON G | KELTON G |
| OFFENSE TRACKING NUMBER: | B9550962 | B9550962 |
| GUILTY BUT MENTALLY ILL: | NO | NO |
| SENTENCE DATE: | 12/07/1983 | 12/07/1983 |
| SENTENCE START DATE: | 12/07/1983 | 12/07/1983 |
| COMMITMENT CREDIT: | 0 YRS 0 MOS 319 DAYS | 0 YRS 0 MOS 319 DAYS |
| EFFECTIVE DATE: | 1/22/1983 | 1/22/1983 |
| COURT SENTENCE: | 12 YRS 6 MOS 0 DAYS | 25 YRS 0 MOS 0 DAYS |
| FACTORED SENTENCE: | 12 YRS 6 MOS 0 DAYS | 25 YRS 0 MOS 0 DAYS |
| APPLY EARN TIME: | NO | NOT APPLICABLE |
| MAXIMUM EARN TIME: | | 0 DAYS |
| REVOKE EARN TIME: | | 0 DAYS |
| BAIL TIME: | 0 YRS 0 MOS 0 DAYS | 0 YRS 0 MOS 0 DAYS |
| ESCAPE TIME: | 0 YRS 0 MOS 0 DAYS | 0 YRS 0 MOS 0 DAYS |
| SENT. INTERRUPTION TIME: | 0 YRS 0 MOS 0 DAYS | 0 YRS 0 MOS 0 DAYS |
| EXPIRATION DATE: | 7/22/1995 | 1/22/2008 |
| PV RECOMPUTED MAX DATE: | | NOT AVAILABLE |

REMARKS:

ON 4/28/98 UPON REVIEW, IT WAS FOUND CS 5-10Y TERM AT CP#1576, '83, IS CS TO FIVE 7Y6M-15Y CC SENTENCES AT BUCKS CO CP#1372, 1373, 1374, 1375, 1513, '83. THE RESULT IS ONE AGGREGATION OF 12Y6-25 YRS. FOUR OF THE 7Y6M-15Y TERMS HAD PREVIOUSLY BEEN REPORTED AS U/L CC.

COMPUTER CALCULATED: YES

SENTENCE CHANGE TYPE: RECOMPUTED

CHANGE DATE: 9/13/1996

SENTENCE CHANGE BASIS:

THE DC23B OF 9-13-96 WAS DONE TO CORRECT A CREDIT ERROR BY SCI-GRATERFORD. RPF

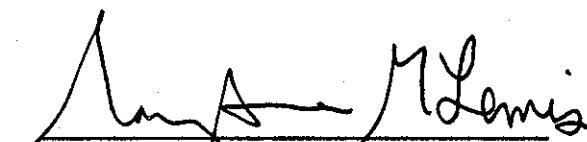
IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CHARLES ISELEY, :
: Plaintiff :
: :
: v. : No. 1:00-CV-00577
: : (Judge Kane)
W. CONWAY BUSHEY, et al., :
: Defendants :
:

CERTIFICATE OF SERVICE

I, Maryanne M. Lewis, Deputy Attorney General, hereby certify that on this date I caused to be served the foregoing Defendants' Brief in Opposition to Plaintiff's Motion for A. Temporary Restraining Order, by depositing a copy of the same in the United States mail, postage prepaid, in Harrisburg, PA., addressed to the following:

Charles Iseley, #AM-9320
SCI-Graterford
Box 244
Graterford, PA 19426-0244



MARYANNE M. LEWIS
DEPUTY ATTORNEY GENERAL

DATE: October 30, 2000